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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 UNITED STATES OF AMERICA,  
6  
7 v.  
8 CHARLES EARL GRANDERSON,  
9 Defendant.

Case No. 3:15-cr-00039-HDM-CSD

ORDER

10 On August 26, 2024, the court denied the defendant's *pro se*  
11 "Motion to Modify Probation Term/Condition." The defendant moved  
12 for reconsideration (ECF No. 147). On October 21, 2024, the court  
13 directed the defendant to supplement his motion to provide evidence  
14 that he has a valid medical prescription for a product that does  
15 not violate federal law.

16 In response, the defendant has submitted: (1) a letter from  
17 a doctor at Texas Medical Marijuana Doctors reflecting that the  
18 defendant is qualified to be treated with medical marijuana under  
19 Texas law; (2) a letter from a clinical psychologist that he has  
20 diagnosed the defendant with PTSD; (3) a printout from the  
21 Compassionate Use Registry of Texas, reflecting the two  
22 prescriptions issued by Texas Medical Marijuana Doctors; and (4)  
23 a medication summary from the Bureau of Prisons dated August 17,  
24 2023, indicating that the defendant was prescribed "levetiracetam"  
25 to treat seizures. (ECF No. 149 at 3-9).

26 Texas law allows doctors to prescribe "low-THC marijuana" for  
27 treatment of several enumerated conditions, and said prescriptions  
28 are entered into the Texas Compassionate Use Registry. See Tex.

1 Occ. Code Ann. § 169.003; *id.* § 169.004; [https://www.dps.texas.gov/section/compassionate-use-program/faq/compassionate-](https://www.dps.texas.gov/section/compassionate-use-program/faq/compassionate-use-registry-texas-curt)  
2 [use-registry-texas-curt](https://www.dps.texas.gov/section/compassionate-use-program/faq/compassionate-use-registry-texas-curt) (last accessed Dec. 11, 2024). “Low-THC”  
3 marijuana is defined as “the plant *Cannabis sativa* L., and any  
4 part of that plant or any compound, manufacture, salt, derivative,  
5 mixture, preparation, resin, or oil of that plant that contains  
6 not more than one percent by weight of tetrahydrocannabinols.”  
7 Tex. Occ. Code Ann. § 169.001 (emphasis added). By contrast, to  
8 not be considered marijuana under federal law, the THC  
9 concentration of a product must fall below 0.3%. See 21 U.S.C. §  
10 802(16)(B); 7 U.S.C. § 1639o. Thus, that the defendant’s  
11 prescriptions are on the Texas Compassionate Use registry  
12 establishes only that his prescriptions qualify as “low-THC  
13 marijuana” under Texas law and does nothing to answer the question  
14 of whether they are a legal drug under federal law. As the court  
15 does not have the authority to grant a defendant on supervised  
16 release permission to use medical marijuana, see *United States v.*  
17 *Schostag*, 895 F.3d 1025, 1028 (8th Cir. 2018) (“[C]ourts cannot  
18 amend conditions to contradict federal law.”); *United States v.*  
19 *Dimmer*, 2023 WL 5747316, at \*2 (W.D. Wash. Sept. 6, 2023); *United*  
20 *States v. Perla*, 2021 WL 461881, at \*3 (W.D. Pa. Feb. 9, 2021)  
21 (collecting cases), the defendant’s request for permission to use  
22 the two prescriptions issued by the Texas Medical Marijuana Doctors  
23 will be denied.  
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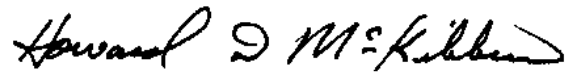
25 With respect to the defendant’s claim that he has been  
26 prescribed Epidiolex to treat seizures, the defendant has produced  
27 no evidence of any such prescription. Rather, he provides evidence  
28 that he has in the past been treated for seizures, but with

1 "levetiracetam" - not Epidiolex. Levetiracetam does not appear to  
2 be a cannabis-derived product for which the defendant would need  
3 the court's permission. Accordingly, the defendant's motion for  
4 permission to use Epidiolex will be denied.

5 In accordance with the foregoing, the defendant's motion for  
6 reconsideration (ECF No. 147) is DENIED WITHOUT PREJUDICE.

7 IT IS SO ORDERED.

8 DATED: This 2nd day of January, 2025.

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11 UNITED STATES DISTRICT JUDGE  
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